

MAR 16 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OSCAR LOPEZ-SERRANO, (T/N
Alfonso Garcia-Serrano) aka Mosca,

Defendant - Appellant.

No. 03-50582

D.C. No. CR-99-01292-GHK-3

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted March 8, 2006**

Before: CANBY, BEEZER and KOZINSKI, Circuit Judges.

Oscar Lopez-Serrano appeals from his 262-month sentence imposed following a jury trial conviction for conspiracy, in violation of 8 U.S.C.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1324(a)(1)(A)(v)(I), transportation of illegal aliens causing serious bodily injury, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and (B)(iii), harboring and concealing illegal aliens causing serious bodily injury, in violation of 8 U.S.C.

§ 1324(a)(1)(A)(iii) and (B)(iii), bringing illegal aliens into the United States, in violation of 8 U.S.C. § 1324(a)(2)(B)(ii), and hostage taking, in violation of 8 U.S.C. § 1203(a). We have jurisdiction pursuant to 28 U.S.C. § 1291.

We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

REMANDED.